

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of )  
 )  
HAWAIIAN ELECTRIC COMPANY, INC., )  
HAWAII ELECTRIC LIGHT COMPANY, INC., )  
MAUI ELECTRIC COMPANY, LIMITED and )  
 )  
KAUAI ISLAND UTILITY COOPERATIVE )  
 )  
For Approval to Establish a Rule )  
to Implement a Community-Based )  
Renewable Energy Program and Tariff )  
and Other Related Matters. )  
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DOCKET NO. 2015-0389

ORDER NO. 38074

RULE 29 FOR MOLOKAI AND LANAI

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RULE 29 FOR MOLOKAI AND LANAI

By this Order, the Public Utilities Commission ("Commission") clarifies Order No. Order No. 38038 and its treatment of the Maui Electric Tariff Rule 29.<sup>1</sup>

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<sup>1</sup>The Parties and Participants to this proceeding are: (1) HAWAIIAN ELECTRIC COMPANY, INC., HAWAII ELECTRIC LIGHT COMPANY, INC., and MAUI ELECTRIC COMPANY, LIMITED (collectively, "Hawaiian Electric" or "Companies," individually "Company"); (2) KAUAI ISLAND UTILITY COOPERATIVE; (3) the DIVISION OF CONSUMER ADVOCACY, an ex officio party; (4) the Intervenor the DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, and TOURISM; and the Participants: (5) SUNPOWER CORPORATION; (6) HAWAII SOLAR ENERGY ASSOCIATION; (7) ULUPONO INITIATIVE, LLC; (8) BLUE PLANET FOUNDATION; (9) HAWAII PV COALITION; and (10) THE ALLIANCE FOR SOLAR CHOICE.

I.

BACKGROUND AND RELEVANT PROCEDURAL HISTORY

On April 9, 2020, the Commission issued Order No. 37070, commencing Phase 2 of the Community Based Renewable Energy ("CBRE") program.<sup>2</sup>

On October 25, 2021, the Commission issued Order No. 38038, directing Hawaiian Electric to file its final requests for proposals ("RFPs") and supporting documents for Molokai and Lanai by November 4, 2021.<sup>3</sup>

Order No. 38038 stated that "final RFPs and supporting documents for Molokai and Lanai will be approved automatically 10 days after they are filed, unless the Commission orders otherwise."<sup>4</sup>

On November 4, 2021, Hawaiian Electric filed its final RFPs Molokai and Lanai, and Maui Electric Tariff Rule 29 ("Rule 29").<sup>5</sup> Hawaiian Electric asked the Commission to approve

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<sup>2</sup>See Order No. 37070, "Commencing Phase 2 of the Community Based Renewable Energy Program," filed on April 9, 2020 ("Order No. 37070").

<sup>3</sup>See Order No. 38038, "Clarifying Order No. 37954," filed on October 10, 2022 ("Order No. 38038") at 6.

<sup>4</sup>Order No. 38038 at 6.

<sup>5</sup>See "The Hawaiian Electric Companies' Submission of CBRE Phase 2 Final Draft RFPs and Supporting Documents for Molokai and Lanai; Exhibits 1-8; and Certificate of Service," filed on November 4, 2021 ("Final Molokai and Lanai Filings").

Rule 29 "with the proviso that none of the phase two provisions for Maui island are applicable until further order from the Commission."<sup>6</sup> Hawaiian Electric explains that:

a limited Rule 29 can be approved for Maui Electric now to allow the Molokai and Lanai RFPs to proceed expeditiously and can be amended at a later time to incorporate any modifications, with respect to RFPs on the island of Maui. In addition, to further address potential uncertainty, Rule 29 has been amended to note that it only opens Phase 2 for the islands of Molokai and Lanai, and the opening of Phase 2 for the island of Maui will occur upon subsequent Commission order, as only the Molokai and Lanai RFPs are proceeding at this time.<sup>7</sup>

On November 15, 2021, Order No. 38038's automatic approval deadline elapsed without further Commission action, thereby approving the Final Molokai and Lanai Filings.

## II.

### DISCUSSION

The Commission wishes to clarify that it agrees with Hawaiian Electric's approach to approve Rule 29 with the proviso that none of the Phase 2 provisions for Maui island will be applicable until further order from the Commission. The Commission believes this will allow CBRE Phase 2 to proceed on Molokai and Lanai now, and allow the additional time necessary to finalize

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<sup>6</sup>Final Molokai and Lanai Filings at 2.

<sup>7</sup>Final Molokai and Lanai Filings at 2.

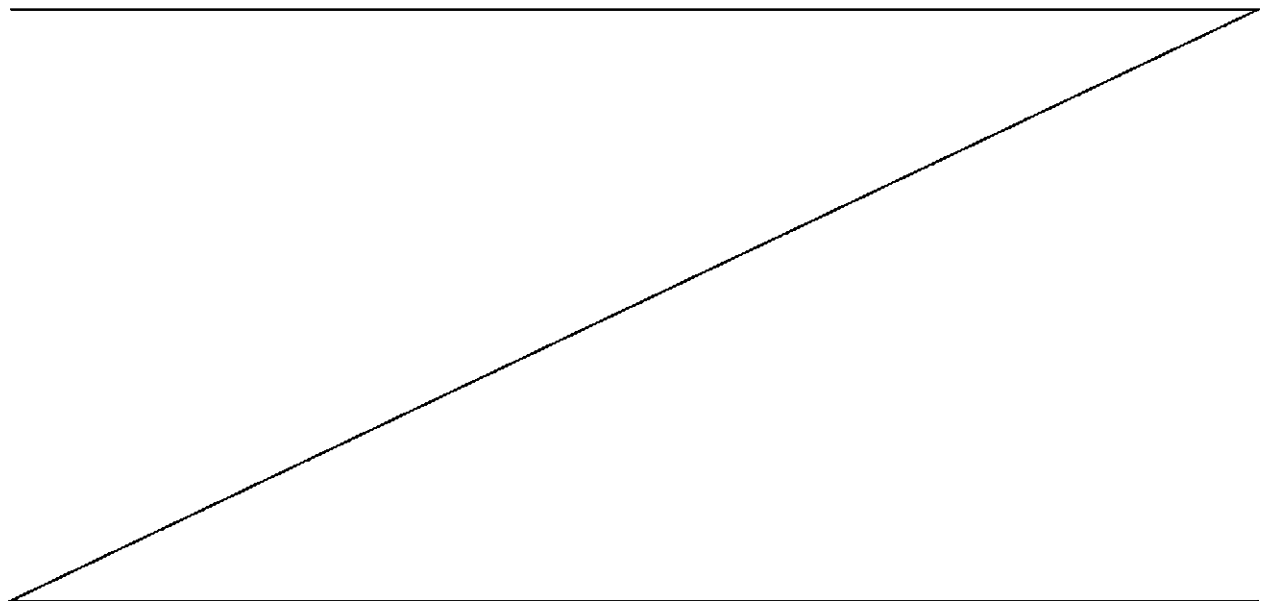
CBRE Phase 2 for the remaining islands. Therefore, the Commission clarifies that Order No. 38038's automatic approval provision includes the Maui Electric Tariff Rule 29 with the proviso that none of the Phase 2 provisions for Maui island will be applicable until further order from the Commission. In all other respects, the Order No. 38038's automatic approval provision remains in full effect.

### III.

#### ORDERS

##### THE COMMISSION ORDERS:

1. The proposed Maui Electric Tariff Rule 29 is approved with the proviso that none of the Phase 2 provisions for Maui island will be applicable until further order from the Commission.



2. In all other respects, the Order No. 38038's automatic approval provision remains in full effect.

DONE at Honolulu, Hawaii November 18, 2021.

PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By James P. Griffin  
James P. Griffin, Chair

By Jennifer M. Potter  
Jennifer M. Potter, Commissioner

By Leodoloff R. Asuncion, Jr.  
Leodoloff R. Asuncion, Jr., Commissioner

APPROVED AS TO FORM:

Mike S. Wallerstein  
Mike S. Wallerstein  
Commission Counsel

2015-0389.ljk

CERTIFICATE OF SERVICE

Pursuant to Order No. 37043, the foregoing Order was served on the date it was uploaded to the Public Utilities Commission's Document Management System and served through the Document Management System's electronic Distribution List.

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PUBLIC UTILITIES  
COMMISSION

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